

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: April 21, 2022

SUBJECT: BZA Case 20612 - to allow the construction of a third story and rear addition, and convert to a flat, an existing attached two-story house at 647 16th Street NE.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- E § 304.1, Lot Occupancy (60% maximum, 38.23% existing; 69.88% proposed); and
- E § 205.4, Rear Yard Addition (10 ft. beyond the farthest rear wall of residential building on adjacent property maximum; 0 ft. existing; 26.25 ft. proposed).

OP recommends **approval** of the following special exception pursuant to Subtitle E § 5207:

- E § 206.1, Rooftop or Upper Floor Additions (roof top architectural element original to principal building shall not be removed; existing canopy above the door, gable above the window, and cornice element proposed to be removed).

II. LOCATION AND SITE DESCRIPTION

Address:	647 16 th Street, N.E.
Applicant:	Eustilus Architecture for Demetra Weir
Legal Description:	Square 4540, Lot 293
Ward / ANC:	Ward 6, ANC 6A
Zone:	RF-1 - predominantly row houses on small lots within which no more than two (2) dwelling units.
Lot Characteristics:	The rectangular lot consists of 1,360 square feet of area and has 17-feet of frontage along 16 th Street, and along a 10-foot-wide public alley at the rear.
Existing Development:	The lot is currently improved with a two story with cellar row building consisting of one principal dwelling.

Adjacent Properties:	To the north is an existing two-story row building. To the south is a three-story row building that is currently under construction and approved by BZA Case. No. 20118. To the east, across 16 th Street, are existing apartment houses and row buildings ranging between two and four stories in height, and Miner Elementary School. To the west, across the public alley, are row buildings ranging between two and three stories in height.
Surrounding Neighborhood Character:	The surrounding neighborhood character is predominantly low to moderate density residential, consisting of row buildings with one or two dwellings, apartment houses, and institutional uses.
Proposed Development:	The applicant proposes to construct a rear addition and a third story addition to an existing two-story row building and convert it to a flat.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 201	18 ft. min.	17 ft.	No change	Existing nonconforming
Lot Area E § 201	1,800 sq. ft. min.	1,360 sq.ft.	No change	Existing nonconforming
Rear Yard Addition E § 205	Rear wall shall not extend farther than 10 ft. beyond the farthest rear wall of adjoining principal residential building	0 ft.	26.25 ft	Required
Rooftop or Upper Floor Additions E § 206	Original roof top architectural elements shall not be removed	Gable roof and cornice elements	Removal of gable roof and cornice elements	Required
Lot Occupancy E § 304	60% max.	38.23%	69.88%	Required
Height E § 303	35 ft. max.	26 ft.	34.25 ft.	None required
Front Setback E § 305	Within the range of existing front setbacks of all structures on the same side of the street	Not provided	No change	None requested
Rear Yard E § 306	20 ft. min.	49.33 ft.	23.25 ft.	None required
Side Yard E § 307	None required, but 5 ft. min. if provided	None provided	No change	None required
Parking C § 701	1 parking space	Not provided	Not provided	None requested

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The Applicant has requested relief from lot occupancy and rear yard addition for a principal residential building on a non-alley lot, which is consistent with this section.

5201.2 & 5201.3 are not relevant to this application

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The subject lot is oriented east-west and the row building is attached to row buildings to the north and south. The greatest impact would be expected to occur to the property located to the north, as the proposed addition would extend 28.25-feet beyond the rear wall of that residence. There are also other buildings to the south of approximately the same length as the proposal, and they may also impact properties to the north. The impact to the light and air of neighboring properties should not be undue, as none of the adjacent lots would be likely to experience significant shadowing for the entire day, beyond the shadowing that likely currently exists. However, although it was requested for the review of this project, the Applicant opted to not provide shadow studies that evaluate the potential impact of the addition on adjacent properties. They have indicated that the neighbor to the north has no concerns regarding the impacts of the addition to their property; OP requested that documentation of this agreement be provided to the record.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The south building elevation would be generally in line with the building to the south. The north building elevation would not consist of windows that would have views into properties to the north. The east building elevation would have windows facing the rear yard and public alley, but a conforming rear yard would be provided, ensuring sufficient distance between the rear wall and adjacent properties to the east.

- (c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

Although the subject building is identical to the one to the north, it's replacement with a modern façade would not be significantly out of character with the streetscape which has a variety of architectural designs. The property to the south is currently being developed with a modern aesthetic, which is compatible with the four-story building to the west, across 16th Street. The proposed building would incorporate brick on the front façade and siding along the rear and sides, which is consistent with materials found on buildings along the block.

The rear of the building would be visible from the public alley. The rear of the block is also varied, with some buildings having much larger rear additions than others. Due to the diversity of the rear yards, the proposed rear addition should not substantially visually intrude upon the character, scale and pattern of houses along the alley.

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant has provided graphical representations such as plans, photographs and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 5, 10, 22 and 24). A shadow study was requested in addition to these materials but has not been provided to the record.

- 5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning does not recommend special treatment for the proposed project.

- 5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The proposed expansion would be occupied with a residential use, which is permitted in the RF-1 zone. Additionally, the proposed addition would provide a lot occupancy of less than 70%, which is permitted with the approval of a special exception, and the building would comply with height and number of stories.

Subtitle E Chapter 5207 SPECIAL EXCEPTIONS CRITERIA ROOFTOP OR UPPER FLOOR ELEMENTS

- 5207.1 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 206.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*

- (a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (1) *The light and air available to neighboring properties shall not be unduly affected;*

The subject building, constructed in 2006, consists of three elements that would be removed with the proposed expansion: the element above the front door, the second story gable, and the cornice along the roofline. The Applicant has proposed to remove the elements in order to modernize the façade and construct a third story, resulting in an overall height of 34.08-feet, which is less than the 35-feet that is permitted in the zone. The removal of these elements should not unduly impact the light and air available to neighboring properties.

- (2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*

The removal of architectural elements should not unduly compromise the privacy of use and enjoyment of neighboring properties. The removal of the gable element on the second floor would allow for the addition of a third story that would comply with height requirements for the zone. The applicant has indicated that there would not be a roof deck.

- (3) *The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;*

The character of the block is expressed in various architectural styles. Since there is not a prevailing style, the proposed removal of the architectural elements in favor of a modern façade should not visually intrude upon the character, scale, and pattern of houses along the 16th Street frontage.

- (b) *In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and*

The Applicant has provided graphical representations such as plans, photographs and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 5, 10, 22 and 24).

- (c) *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.*

The Office of Planning does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning*

Maps;

The subject property is zoned RF-1, which allows for residential developments consisting of one or two dwelling units. As the Applicant proposes to construct a flat consisting of two dwelling units, the use is consistent with the intent of the zone and the Zoning Regulations and Maps.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

As provided in the above analysis, the proposed development should not adversely affect the use of neighboring property.

(c) Subject in specific cases to the special conditions specified in this title.

An analysis of the request against the special conditions has been provided above.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has submitted a report at Exhibit 28 in the record indicating that the proposal would not have adverse impacts on the District's transportation network.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, there were no comments from the ANC in the record.

VII. COMMUNITY COMMENTS TO DATE

As of the date of this report, there were no comments from the community in the record.

Attachment: Location Map

Location Map

